

ORDINANCE NO. 1575

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the City of Des Moines B-P Business Park Zone, adding new sections to chapter 18.25 DMMC, codifying new sections, and amending the B-P Business Park Zone permitted uses codified in chapter 18.25 DMMC.

WHEREAS, the Des Moines City Council has been working with developers and property owners to provide more flexibility with its development regulations, allowing the marketplace to decide how best to achieve the City's broad economic development goals, and

WHEREAS, the Port of Seattle (Port) owns 89-acres within the B-P zone commonly known as the Port buyout area or Des Moines Creek Business Park (DMCBP), and

WHEREAS, the City and Port have been working together to entitle and market the DMCBP site, and

WHEREAS, the City Council is considering organizational refinements to the DMMC that provide consistency for the title, application, purpose, and authority sections of the zone, and

WHEREAS, the City Council is considering adding new use categories to the permitted uses section of Chapter 18.25 DMMC, and

WHEREAS, the Planning, Building and Public Works Director acting as the SEPA responsible official reviewed this proposed non-project action and issued a determination of nonsignificance (DNS) on August 9, 2013, the accompanying comment period has lapsed and appeal period will lapse on September 5, 2013, and

WHEREAS, the City Council set the date for the public hearing by Resolution No. 1238, fixing the public hearing for September 5, 2013 as required by DMMC 18.56.200, and

WHEREAS, the textual code amendments proposed in this Draft Ordinance were provided to the Department of Commerce as required by RCW 36.70A.106, and

WHEREAS, notice of the public hearing was issued on August 9, 2013 in accordance with the DMMC, and

WHEREAS, a public hearing was held on September 5, 2013 and all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendments contained in this Draft Ordinance are appropriate and necessary; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. A new section is added to chapter 18.25 DMMC to read as follows:

Title. This chapter shall be entitled "B-P Business Park zone, uses allowed and special conditions."

Sec. 2. A new section is added to chapter 18.25 DMMC to read as follows:

Application. This chapter shall apply to all areas zoned B-P Business Park.

Sec. 3. DMMC 18.25.010 and section 1 of Ordinance No. 920 as amended by section 7 of Ordinance No. 1237 as amended by section 1 of Ordinance No. 1260 as amended by section 2 of Ordinance No. 1545 are amended to read as follows:

Purpose.

(1) The primary purpose and objective of the Business Park (B-P) zone is to provide areas of the City for development of compatible business, professional office, light industrial, research and development, service uses, wholesale trade, and limited retail uses. Such uses shall be developed within master planned sites in park-like settings pursuant to development standards.

(2) It is the purpose of this zone to ensure compatibility between Business Parks and adjacent uses in terms of height, bulk, scale, and design;

to mitigate potential adverse environmental impacts and nuisance effects on-site and off-site through careful planning, the use of buffering and screening, and the imposition of environmental performance standards and appropriate off-site mitigation requirements; to provide for the planned economic development of the City; to ensure that Business Park development is coordinated with the provision of adequate infrastructure by private applicants and the City, such as roads, drainage, and other utility systems; to require that Business Park developments pay their fair share of the costs of needed services and facilities; and to ensure that development occurs consistent with the goals and policies of the City of Des Moines Comprehensive Plan.

(3) Further, it is the purpose of this zone to establish standards to ensure that development occurs in a manner that is compatible with the Des Moines Creek Park, Des Moines Creek Trail, Steven J. Underwood Memorial Sports Park, City of Des Moines Senior Center and adjacent residential-designated properties.

Sec. 4. A new section is added to chapter 18.25 DMMC to read as follows:

Authority. This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63 and 36.70A RCW and other applicable laws.

Sec. 5. DMMC 18.25.020 and section 2 of Ordinance No. 920 as amended by section 1 of Ordinance No. 1199 as amended by section 3 of Ordinance No. 1237 as amended by section 2 of Ordinance No. 1260 as amended by section 1 of Ordinance No. 1412 as amended by section 3 of Ordinance No. 1545 are amended to read as follows:

Permitted uses. Only those uses listed below shall be permitted in the B-P zone. Each use is more fully described in the "North American Industry Classification System" (hereinafter "NAICS"), 2007 Edition, published by the United States Office of Management and Budget. A copy of the 2007 Edition of the NAICS shall be maintained on file in the office of the city manager or designee and shall be available for public inspection. The numbers in parentheses following each of the following listed uses refer to the NAICS code numbers:

(1) Services, limited to the following:

(a) Administrative support services (561);

(b) Professional, scientific, and technical services (54);

(c) Management of companies and enterprises (55);

(d) Health care services (621); provided, that this use is prohibited north of South 200th Street;

(e) Repair services (8112, 8113 and 8114);

(f) Personal services (812);

(g) Recreation services (711310, 712110, 712120, 712190, 713940, and 713990); provided, that these uses are prohibited north of South 200th Street;

(h) Real estate institutions and rental services (53);

(i) Publishing, telecommunications, Internet service providers, and data processing services (51);

(j) Educational services (6114, 6115, 6116 and 6117);

(k) Religious, business and professional associations (813); provided, that these uses are prohibited north of South 216th Street;

(2) Finance and insurance services (52);

(3) Light manufacturing, fabrication, and assembly of the following and closely related products:

(a) Food products (3114, 3117, 3118, 3119, 3121);

(b) Apparel manufacturing (315);

(c) Wood products manufacturing (3219);

(d) Furniture and related products manufacturing (337);

(e) Pharmaceutical and medicine manufacturing (3254);

(f) Computer and electronic product manufacturing (334);

(g) Electrical equipment and components manufacturing (335);

(h) Fabricated metal products manufacturing (3321, 3322, 3323, 3325, 3326, 3327);

(i) Medical equipment and supplies manufacturing (3391);

(j) Printing and related support activities (323);

(k) Stone, clay, glass, ceramics, pottery, china manufacturing (3271 and 3272);

(1) Toys, jewelry, and other miscellaneous manufacturing (3399);

(4) Building and special trade contractors (23);

(5) Retail trade, limited to the following:

(a) Restaurants (722);

(b) Building material and garden equipment and supplies dealers (444);

(c) General merchandise stores (452 and 445); provided, that these uses are prohibited north of South 200th Street;

(d) Furniture and home furnishing stores (442);

(e) Electronic and appliance stores (443);

(6) Public facilities, including the following:

(a) Public parks (no NAICS code);

(b) Public administration (92);

(c) Public utilities (221121, 221122, and 221210);

(7) Transportation and wholesale trade, limited to the following:

(a) Wholesale trade (42); provided, that 4235 is prohibited;

(b) Motor freight transportation (484);

(c) Support activities for freight transportation (4884, 4885, 4889);

(8) Operation of foreign trade zones limited to the uses listed in this section.

Sec. 6. Codification. Sections 1, 2 and 4 shall be codified as new sections in chapter 18.25 DMMC.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

[illegible]

Sec. 8. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 5th day of September, 2013 and signed in authentication thereof this 5th day of September, 2013.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: September 11, 2013

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1575, Adopted September 5, 2013.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to the City of Des Moines B-P Business Park Zone, adds new sections to chapter 18.25 DMMC, codifies new sections, and amends the B-P Business Park Zone permitted uses codified in chapter 18.25 DMMC.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins
City Clerk

Published: September 11, 2013